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Court Reporter: Lori Ann Callahan, RMR-CRR  
United States District Courthouse  
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Proceedings recorded by mechanical stenography, transcript  
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P R O C E E D I N G S

- - -

THE COURT: I'm not seeing everyone.

Okay. So I see Mr. Brown.

MR. BROWN: Good morning, Your Honor.

THE COURT: And Ms. Kucharski, I believe.

MS. KUCHARSKI: Good morning, Your Honor.

THE COURT: Defendant Christian Ferguson. Our court reporter, Lori Callahan, and I see we also have Agent Dirker on by video.

So you can go ahead and call the case.

COURTROOM DEPUTY CLERK: This court is now open for the transaction of business. The Honorable Kathleen B. Burke presiding.

The case before the court today carries Case Number 5:20cr262, United States of America versus Christian Ferguson.

THE COURT: Good morning.

I am going to start, as I always do, by having counsel introduce themselves, starting with counsel for the United States.

MR. BROWN: Good morning, Your Honor.

For the United States, Duncan Brown. I am joined by Special Agent Kirk Dirker of the FBI.

THE COURT: And counsel for the defendant?

1 MS. KUCHARSKI: Carolyn Kucharski on behalf  
2 Christian Ferguson.

3 THE COURT: Good morning.

4 Ms. Kucharski, have you had an opportunity to  
5 discuss with your client, Mr. Ferguson, his right to have  
6 his arraignment in person and also his ability to waive that  
7 and to consent to having the arraignment conducted by way of  
8 video conference?

9 MS. KUCHARSKI: Your Honor, I did discuss that  
10 with him prior to the last hearing. We did not rediscuss  
11 that for purposes of this hearing, but I believe that he's  
12 aware of the COVID pandemic and the need to conduct this via  
13 video.

14 THE COURT: Mr. Ferguson, as your counsel  
15 indicated, she did have a discussion with you prior to the  
16 last hearing about your right to have your hearing in person  
17 and also your ability to waive the in-person hearing and to  
18 agree to have the hearing, including this one, which is your  
19 arraignment, conducted by video conference.

20 So do you understand that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And do you agree and consent to have  
23 your arraignment conducted by video conference?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: All right. Very good. And then we

1 will proceed.

2 Mr. Ferguson, this is your arraignment on the  
3 charges that have been brought against you by way of  
4 indictment in this case.

5 During the hearing, I will first see that you are  
6 advised of the charges and of the penalties associated with  
7 those charges.

8 Second, I will advise you again of your right to  
9 counsel and will confirm that you do have an attorney.

10 Third, I will advise you of your right to remain  
11 silent.

12 And fourth, I will receive your plea to the counts  
13 in the indictment that are directed against you.

14 I don't believe that at this time we will need to  
15 address any matter regarding detention or bond. You did  
16 previously waive the detention hearing, and the detention  
17 order was (unintelligible).

18 Mr. Ferguson, you are here today on a two count  
19 indictment -- what is with that noise?

20 MS. KUCHARSKI: I think everybody needs to be on  
21 mute other than the --

22 THE COURT: All right. The defendant is not on  
23 mute.

24 Heather, can you see what's going on?

25 (Pause.)

1 THE COURT: Mr. Ferguson, we lost you there for a  
2 minute.

3 Can you hear us, Mr. Ferguson?

4 THE DEFENDANT: Yes, I can.

5 THE COURT: Great. Thanks.

6 All right. So I was just saying that you are here  
7 today on a two count indictment that was issued on May 20.

8 I would ask counsel for the United States,  
9 Mr. Brown, to state the offenses charged under each count  
10 and the penalties associated with those offenses.

11 MR. BROWN: Thank you, Your Honor.

12 The defendant is charged in a two-count  
13 indictment. Both counts are pursuant to Section 1201(a),  
14 which would be the attempted kidnapping. The first count is  
15 1201(a)(2) and (d), and the second one is 1201(a)(5) and  
16 (d). They're both attempted kidnapping, and the penalty for  
17 both is the same.

18 A maximum of 20 years incarceration, a fine of up  
19 to \$250,000, three years of post-release supervision and a  
20 \$100 special assessment.

21 THE COURT: All right. Thank you, Mr. Brown.

22 I am now going to talk with you, Mr. Ferguson,  
23 about your right to counsel, which we discussed the last  
24 time that you appeared.

25 You do have a right to be represented by an

1 attorney at every stage of the proceedings in this case.

2 And as I previously advised you, if you can't afford to hire  
3 an attorney, the court would appoint one without cost to you  
4 to represent you.

5 Do you understand your right to an attorney?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And the court previously appointed the  
8 office of the Federal Public Defender to represent you.  
9 Ms. Kucharski from that office is on the video conference  
10 today.

11 Do you understand that you are represented by  
12 Ms. Kucharski and her office?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: All right. During the remainder of  
15 the proceedings today, Mr. Ferguson, I am going to be asking  
16 you a number of questions.

17 We have our court reporter present who will be  
18 recording my questions and my answers. We will put your  
19 answers (unintelligible) because she cannot record a nod or  
20 gestures.

21 COURTROOM DEPUTY CLERK: Judge, I had to remove  
22 him. He was froze again. I might -- I am redialing. He's  
23 back. One second. If it happens again, we can move him.

24 THE COURT: Mr. Ferguson, I do see you moving.

25 Are you able to hear me?

1 THE DEFENDANT: Yes, I can hear you. You are just  
2 a little bit of static.

3 COURTROOM DEPUTY CLERK: It's bad. Lori is not  
4 going to be able to hear you.

5 THE COURT: Lori, are you able to hear us?

6 COURT REPORTER: I won't be able to hear you.

7 THE COURT: Well, if you are only able to hear  
8 intermittent words, that's not going to be work for us.

9 Perhaps what we need to do is reschedule this.

10 COURTROOM DEPUTY CLERK: Hold on a second, Judge.  
11 Let me call Larry and ask him move him in the next room. It  
12 will only take a second. One second.

13 (Pause.)

14 COURTROOM DEPUTY CLERK: Can you hear me?

15 THE DEFENDANT: Yes, I can hear you clear now.

16 COURTROOM DEPUTY CLERK: All right. Sounds  
17 like -- I think we're ready.

18 THE COURT: All right. I am hopeful we will do  
19 better in this room.

20 I did -- I was telling you before we had the  
21 interruption what we were going to be doing here today, and  
22 explaining, Mr. Ferguson, that I will be asking you a number  
23 of questions.

24 We have a court reporter who will be recording my  
25 questions and your answers. She cannot record a nod of the



1 head or other gestures. So you will need to put your  
2 answers in words. If you don't understand a question,  
3 please say so, and I will do my best to explain it.

4 Also, if you wish to speak with your attorney,  
5 Ms. Kucharski, at any time or any point during the  
6 proceeding, please let us know that and we can make  
7 arrangements for that.

8 I do want you to know that the questions are not  
9 intended to embarrass you. They are for the purpose of  
10 establishing that you are competent to understand the  
11 charges against you and competent to enter a plea today.

12 Do you understand those instructions?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Okay. Mr. Ferguson, you do have the  
15 right to remain silent, and you are not required to make any  
16 statements, and any statement you do make may be used  
17 against you. If you start to make a statement, you may stop  
18 at any time. You may also, as I mentioned earlier, speak  
19 with your attorney at any time.

20 Do you understand your right to remain silent?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. The courtroom deputy will now  
23 place the defendant under oath.

24 COURTROOM DEPUTY CLERK: Mr. Ferguson, would you  
25 raise your right hand for me, please?

1 (Defendant sworn.)

2 COURTROOM DEPUTY CLERK: Thank you.

3 THE COURT: Mr. Ferguson, you are now under oath  
4 to tell the truth. If you choose to answer my questions,  
5 your answers will be subject to the penalties for perjury if  
6 they are not truthful.

7 Do you understand that instruction?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: I am going to ask you to first to  
10 state your full name.

11 THE DEFENDANT: Christian Stanley Ferguson.

12 THE COURT: How old are you, Mr. Ferguson?

13 THE DEFENDANT: 20 years.

14 THE COURT: Are you a citizen of the United  
15 States?

16 THE DEFENDANT: Yes, I am.

17 THE COURT: How far did you go in school,  
18 Mr. Ferguson?

19 THE DEFENDANT: I went through and I got my  
20 scholarship through high school and I went to college for  
21 about a year at Ivey Tech, was there mainly for a trade.

22 THE COURT: Okay. What trade was that?

23 THE DEFENDANT: Automotive.

24 THE COURT: All right.

25 THE DEFENDANT: I got my certifications as a car

1 technician.

2 THE COURT: Okay. Very good.

3 I take it from your answers to my questions that  
4 you can both speak and understand English.

5 Correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And you can also read and write in  
8 English.

9 Is that also correct?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Within the last year, Mr. Ferguson,  
12 have you been hospitalized or treated for either a mental  
13 illness, a drug addiction or an alcohol addiction?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: And within the last 24 hours, have you  
16 taken any drugs or consumed any medication or alcohol?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Have you had an opportunity to discuss  
19 with your attorney, Ms. Kucharski, what the purpose of this  
20 proceeding is?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And have you received a copy of the  
23 indictment?

24 THE DEFENDANT: Yes, I have.

25 THE COURT: Have you had an opportunity to discuss

1 the indictment with your attorney, Ms. Kucharski?

2 THE DEFENDANT: Yes, Your Honor, I have.

3 THE COURT: Okay. And the purpose of that  
4 question is to make sure you had enough opportunity to talk  
5 with your attorney that you are able to enter a plea today.

6 So is that the case?

7 Have you had sufficient opportunity to talk with  
8 her that you're able to enter a plea today?

9 THE DEFENDANT: Yes, I believe I am supposed to  
10 plead not guilty.

11 THE COURT: Okay. We will get to that in a  
12 minute.

13 Before I ask you how you plead to the charges in  
14 the indictment, you do have the right to have the indictment  
15 read into the record, or you can waive the reading of the  
16 indictment.

17 Do you wish to waive the reading of the  
18 indictment?

19 THE DEFENDANT: It's okay. It can be read, Your  
20 Honor. I am sorry.

21 THE COURT: All right.

22 THE DEFENDANT: No, I am sorry.

23 THE COURT: You wish to have the indictment read  
24 into the record, or you want to give up your right to have  
25 the indictment read into the record?

1 THE DEFENDANT: I would like to have it read into  
2 the record.

3 THE COURT: You would like to have it read into  
4 the record.

5 Well, in that event, we will have Mr. Brown read  
6 the indictment into the record.

7 MR. BROWN: I am sorry, Your Honor, let me pull it  
8 up. Give me just one minute to get it on my screen.

9 THE COURT: Ms. Kucharski, did you want to have a  
10 discussion with Mr. Ferguson?

11 MS. KUCHARSKI: Your Honor, I was just suggesting  
12 that he waive the reading, but it's not a long indictment so  
13 if he would prefer to have it read, then I am okay with it  
14 being read into the record.

15 THE COURT: All right. It will take us a little  
16 while to do that.

17 MR. BROWN: The caption is the United States  
18 District Court for the Northern District of Ohio, Eastern  
19 Division, United States of America, plaintiff, versus  
20 Christian Ferguson, the defendant, with the counts being  
21 Sections 1201(a)(2), (a)(5) and (d).

22 General allegations.

23 Paragraph 1, at all times material to this  
24 indictment, the National Parks Service, Department of the  
25 Interior was engaged in the maintenance, upkeep, care and

1 security of the National Parks System, including the  
2 Cuyahoga Valley National Park, CVNP, in a manner affecting  
3 interstate commerce and as part of the industry which  
4 affects interstate commerce.

5 At all times material to this indictment, the CVNP  
6 was created as a National Recreational Area in 1974 by act  
7 of Congress and then in 2000, Congress enacted legislation  
8 designating the park a National Park. The CVNP employs over  
9 100 permanent and temporary federal employees. In 2018,  
10 there were over 2 million visitors hailing from Ohio and  
11 states outside of Ohio to the CVNP. The Park is regulated  
12 by Title 36 of the Code of Federal Regulations, and Title  
13 18, 21 and 54 of the United States Code.

14 At all times material to this indictment contained  
15 within the boundaries of the CVNP is the Cuyahoga River,  
16 which is under the direction of the Buffalo, New York,  
17 office of the Army Corps of Engineers, as is the Ohio and  
18 Erie Canal Towpath, a congressionally recognized National  
19 Historic Area.

20 At all times material to this indictment, the  
21 safety of visitors and property traveling to and through the  
22 CVNP was insured by Park Rangers of the National Park  
23 Service, who are federal officers and employees as defined  
24 in Title 18, United States Code, Section 1114 and who carry  
25 firearms, body armor and other personal property in the

1 performance of their official duties.

2 Count 1, attempted kidnapping, 18, U.S.C.,  
3 Sections 1201(a)(2) and (d).

4 Grand jury charges that paragraph 1 through 4 of  
5 the indictment are realleged and incorporated by reference  
6 as if fully set forth herein.

7 Paragraph 6, from on or about March 21, 2020 to on  
8 or about May 8, 2020, in the Northern District of Ohio,  
9 Eastern Division, and elsewhere, Defendant Christian  
10 Ferguson did attempt to unlawfully seize, confine and  
11 inveigle, kidnap and abduct federal officers of the National  
12 Park Service Park Rangers, said attempted seizure,  
13 confinement, inveigling, kidnapping and abduction having  
14 occurred within the central maritime and territorial  
15 jurisdiction of the United States, to wit: The Cuyahoga  
16 Valley National Park, in violation of Title 18, United  
17 States Code, Sections 1201(a)(2) and (d).

18 Count 2, attempted kidnapping, 18, U.S.C.,  
19 Sections 1201(a)(5) and (d).

20 The grand jury further charges, again, paragraph 1  
21 through 4 of the indictment are realleged and incorporated  
22 by reference as if fully set forth herein.

23 Paragraph 8, from on or about March 21, 2020 to on  
24 or about May 8, 2020, in the Northern District of Ohio,  
25 Eastern Division, and elsewhere, Defendant Christian

1 Ferguson did attempt to unlawfully seize, confine, inveigle,  
2 kidnap and abduct federal officers of the National Park  
3 Service Park Rangers, while the officers were engaged in,  
4 and on account of, the performance of their official duties,  
5 in violation of Title 18, United States Code, Sections  
6 1201(a)(5) and (d).

7 A true bill.

8 And it is signed by the foreperson of the grand  
9 jury.

10 THE COURT: All right. Mr. Ferguson, I am now  
11 going to ask you how you plead to the charges in the  
12 indictment.

13 How do you plead to the charges in Counts 1 and 2  
14 of the indictment, Mr. Ferguson.

15 Guilty or not guilty?

16 THE DEFENDANT: Not guilty.

17 THE COURT: All right. At this time,  
18 Ms. Kucharski, during the last hearing we had, the defendant  
19 did waive his right to the detention hearing, although he  
20 reserved the right to raise the issue again at a later date.

21 Unless I hear from you to the contrary, the  
22 detention will continue in effect.

23 MS. KUCHARSKI: Your Honor, we are planning on  
24 raising the issue of detention with a filing, so for  
25 purposes of today's hearing, we don't need to address



1 anything further with regard to detention today.

2 THE COURT: All right. Then, Mr. Ferguson, you  
3 will continue in detention at this time. You will be  
4 remanded to the custody of the U.S. Marshals pending further  
5 proceedings.

6 Very good. Thank you, everybody.

7 C E R T I F I C A T E

8  
9 I certify that the foregoing is a correct transcript  
10 from the record of proceedings in the above-entitled  
11 matter.

12  
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